

TOXIC SUBSTANCES CONTROL ACT (TSCA)12-1. Inspections and Subpoenas1. AUTHORITY:

- a. To designate representatives of the Administrator to inspect any establishment, facility, or other premises in which chemical substances, mixtures, or articles containing chemical substances or mixtures, are manufactured, processed, stored, or held before or after their distribution in commerce; and any conveyance being used to transport chemical substances, mixtures, or such articles in connection with distribution in commerce. Any such inspection shall be conducted pursuant to the Toxic Substances Control Act (TSCA), Section 11(a) and 11(b). To require by subpoena the production of reports, papers, documents, answers to questions, and other information in accordance with TSCA. Any such subpoena shall be issued pursuant to TSCA, Section 11(c).
- b. To require by subpoena the attendance and testimony of witnesses, in accordance with TSCA. Any such subpoena shall be issued pursuant to TSCA, Section 11(c).
- c. To obtain and execute warrants for the purpose of performing inspections and conducting information gathering under TSCA and to carry out or require the carrying out of any other inspection and information gathering activities authorized under TSCA; in addition, to designate representatives of the Administrator to perform such functions.

2. TO WHOM DELEGATED:

- a. The authority set forth in 1.a. is delegated to the Chief, Pesticides and Toxics Compliance Section of the Chemicals Management Branch in the Land and Chemicals Division.
- b. The authority set forth in 1.b. is delegated to the Chief, Chemicals Management Branch of the Land and Chemicals Division.
- c. The authority set forth in 1.c. is delegated to the Director, Land and Chemicals Division.

3. LIMITATION

- a. Exercise of the authority set forth in paragraph 1.a. to issue subpoenas requires the advance concurrence of the Regional Counsel or designee.
- b. Exercise of the authorities set forth in 1.b. and 1.c. requires the advance concurrence of the Regional Counsel or designee.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.5. ADDITIONAL REFERENCES.

- a. Regarding the authority to seek warrants under TSCA, see for example Marshall v. Barlow's, Inc., 436 U.S. 307, 98 S. Ct. 1816 (1978) and U.S. v. M/V Sanctuary, 540 F.3d 295 (4th Cir. 2008).